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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ATLANTIC-PACIFIC PROCESSING
SYSTEMS, INC., a California corporation

Plaintiffs,

vs.

DERMAKTIVE, LLC, a Florida limited liability
company, and JORDAN DUFNER, a
Connecticut resident; DOE INDIVIDUALS I
through X; and ROE ENTITIES I through X,

Defendants.

Case No.: 2:16-cv-00739

**STIPULATION AND (PROPOSED)
ORDER ALLOWING DERMAKTIVE
AND DUFNER TO FILE
COUNTERCLAIM AND THIRD-
PARTY COMPLAINT**

Plaintiff Atlantic-Pacific Processing Systems, and Defendants Dermactive and Jordan Dufner, stipulate that Dermactive and Dufner may file in this action the counterclaim and third-party complaint attached hereto as Exhibit A, and ask the Court to enter an order reflecting same. Good cause exists to grant and enter this stipulation for the reasons set forth below.

1 1. On April 4, 2016, Atlantic-Pacific Processing Systems filed a Complaint in this
2 Court against Dermactive and Dufner, alleging breach of contract, breach of guaranty, and
3 declaratory relief. (ECF No. 1.)

4 2. On May 26, 2016, Dermactive and Dufner filed a complaint alleging fraud and
5 other claims against Atlantic-Pacific Processing Systems, Inc., T1 Payments LLC,
6 7 Processing, LLC, Donald Kasdon, Amber Fairchild, and Debra King in the Eighth Judicial Court
7 of Clark County, Nevada, Case Number A-16-737420-B. Many of the claims in the state court
8 complaint overlap with and involve the same facts and circumstances as those in the operative
9 complaint in this case.

10 3. Having amended its complaint and defendants having answered it, Atlantic-Pacific
11 Processing Systems filed a motion to dismiss the state court action on the ground of improper
12 venue. During the hearing on that motion on August 15, 2016, the state court determined it would
13 stay the state court action pending resolution of venue by this Court.

14 4. Thereafter, the parties in this case, and the to-be added third-party defendants,
15 stipulated to venue in this Court conditioned on: (a) allowing Dermactive and Dufner to pursue
16 their state court claims in this case given the substantial overlap of issues, claims and parties; and
17 (b) all parties reserving all of their claims, defenses, and other rights.

18 5. Allowing Dermactive and Dufner to pursue their claims in this Court will not divest
19 the Court of subject matter jurisdiction over the claims or personal jurisdiction over the parties
20 presently before the Court, and will not prejudice any of the parties. No discovery has occurred,
21 and no hearing or other case-dispositive deadlines are approaching.

22 6. The parties do not enter this stipulation to delay the proceedings or for any other
23 improper purpose.

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WHEREFORE, the parties stipulate and request that the Court enter an order allowing DermAktive and Dufner to file the counterclaim and third-party complaint attached hereto as Exhibit A while allowing all parties to pursue any claims, defenses, and other rights they have with respect to the causes of action alleged therein.

DATED this 14th day of September, 2016.

HUTCHISON & STEFFEN, LLC

RANDAZZA LEGAL GROUP, PLLC

/s/Todd W. Prall

/s/ Ronald D. Green

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Attorneys for Plaintiff

Attorneys for Defendants

IT IS SO ORDERED.

IT IS FURTHER ORDERED that DermAktive and Dufner shall *forthwith* separately file their counterclaim and third-party complaint which was attached as Exhibit A.

Dated this 19th day of September, 2016.


Peggy A. Leen
United States Magistrate Judge

Case No. 2:16-cv-00418-RFB-NJK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 14, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully Submitted,



Employee,
Randazza Legal Group, PLLC